

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
S/S Fourth Ave., 40 ft. W of c/l of Thornwood Road
3030 Fourth Avenue
11th Election District
6th Councilmanic District
Louis F. Smith, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-326-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Louis F. and Robin Smith for that property known as 3030 Fourth Avenue in the Carney Heights section of Baltimore County. The Petitioners herein seek a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 4 ft. in lieu of the required 10 ft., for an addition, as more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 6th day of May, 1993 that the Petition for a Zoning Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of, 4 ft., in lieu of the required 10 ft., for an addition, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LES:mmm

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

-2-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

May 5, 1993

Mr. and Mrs. Louis F. Smith
3030 Fourth Avenue
Baltimore, Maryland 21234

RE: Petition for Administrative Zoning Variance
Case No. 93-326-A
3030 Fourth Avenue

Dear Mr. and Mrs. Smith:

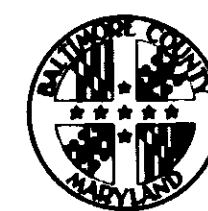
Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
encl.



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 3030 4th Ave. Bldg. 1M3 21234
which is presently zoned DRSS

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1, 822.1, 7.6 PERMIT A SIDEYARD SETBACK OF 4' IN LIEU OF THE REQUIRED 10'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

1. Hardship: Small house/ly family
 2. Practical Difficulty: Severe angle of eastern property line does not allow for proper setback of proposed addition.
 3. Modification is not contrary to public interest and literal enforcement would result in unnecessary hardship.
- Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchase/Lessee
(Type or Print Name)
Signature
Address
City State Zipcode
Attorney for Petitioner
(Type or Print Name)
Signature
Address
City State Zipcode
Name Address and phone number of legal owner (contract purchaser or representative to be contacted)
City State Zipcode
Name Address and phone number of legal owner (contract purchaser or representative to be contacted)
City State Zipcode

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 19th day of May, 1993, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be posted.

RECEIVED BY JCM DATE 3-31-93
ESTIMATED POSTING DATE 4-18-93 ITEM # 542

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard hereto.

That the Affiant(s) do(es) presently reside at 3030 Fourth Ave
Balto Md. 21234

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)

1. Small house /ly family
2. Severe angle of property line does not allow for proper setback of proposed addition
3. Modification is not contrary to public interest and literal enforcement would result in unnecessary hardship.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Louis F. Smith
Notary Public

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 31st day of March, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Louis F. Smith, Robin A. Smith
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.
March 31, 1993
My Commission Expires: _____

G. DIANE MORFOOT
Notary Public
Baltimore Co., MD
My Comm. Exps. July 6, 1994

EXAMPLE 3 - Zoning Description - 3 copies

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 3030 Fourth Ave.
Election District 11 Councilmanic District 6
Beginning at a point on the South side of 3030
(north, south, east or west)
Fourth Ave. which is 25'
(street on which property fronts) (number of feet of right-of-way width)
wide at a distance of 40' West of the
(number of feet) (north, south, east or west)
centerline of the nearest improved intersecting street Thornwood Rd.
(name of street)
which is 25' wide. "Being Lot # 160 P159
(number of feet of right-of-way width)
Block N/A, Section # N/A in the subdivision of
Carney Heights as recorded in Baltimore County Plat
(name of subdivision)
Book # 6, Folio # 158, containing
4225/10
(square feet and acres)

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the lot, block and subdivision description as shown, instead state: "As recorded in Deed Liber _____, Folio _____" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87° 12' 13" E. 321.1 ft., S.18° 27' 03" E.87.2 ft., S.62° 19' 00" W. 318 ft., and N.08° 15' 22" W. 80 ft. to the place of beginning.

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CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 11A Date of Posting 4/18/93
Posted for Variance
Petitioner: Louis Fred & Robin Andrea Smith
Location of property: 1/2 3030 Fourth Ave., W of Thornwood Rd.
Location of Sign: Along the driveway on property of Petitioner
Remarks: _____
Posted by: M. Smith Date of return: 4/18/93
Number of Signs: 1

Item # 342 receipt
Date 3-31-93
Petitioner: LOUIS SMITH
3030 FOURTH AVE.
BALTO. MD 21234
ADMIN. VAR. (010)
POSTING (080)
50.00
35.00
85.00
Please Make Checks Payable To: Baltimore County
03A03W0047H1CHRC
84 COD2135PH03-31-93
\$85.00
Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

April 9, 1993

(410) 887-3353

Louis Smith and Robin Smith
3030 Fourth Avenue
Baltimore, Maryland 21234

Re: CASE NUMBER: 93-326-A (Item 342)
3030 Fourth Avenue
S/S Fourth Avenue, 40' W of c/l Thornwood Road
11th Election District - 6th Councilmanic
Petitioner(s): Louis Fred Smith and Robin Andrea Smith

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refreshers regarding the administrative process.

1) Your property will be posted on or before April 18, 1993. The closing date (May 3, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an order will issue. This order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Carl John
Arnold Jablon
Director



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

HELLEN KENKING
Ms. J. J. Winkowski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Winkowski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is 410-333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-452-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: April 15, 1993

SUBJECT: 3030 4th Avenue

INFORMATION:

Item Number: 342

Petitioner: Louis Fred Smith and Robin Andrea Smith

Property Size:

Zoning: D.R. 5.5

Requested Action:

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

Should the applicant's request be granted, staff recommends that approval of the request be subject to a condition that any improvement be generally compatible with the built environment of the neighborhood.

Prepared by: Jeff M. Lane

Division Chief: Cheryl Lewis

PK/JL:lw

342.ZAC/2AC1

Pg. 1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: April 16, 1993

FROM: Jerry L. Pfeifer, Captain
Fire Department

SUBJECT: Zoning Petitions

#325	No comments
#327	No comments
#332	No comments
#340	No comments
#341	No comments
#342	No comments
#343	No comments
#344	No comments
#345	No comments
#346	No comments
#347	No comments
#348	No comments
#349	No comments
#350	No comments
#351	The building shall be built in compliance with the applicable provisions of the Life Safety Code and the County Fire Code.
#352	No comments

JLP/dal

cc: File

RECEIVED
APR 20 1993
ZADM

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS AND PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

For newspaper advertising:

Case No.: Item No.: 342

Petitioner: Louis Smith

LOCATION: 3030 Fourth Ave. Balto, Md. 21234

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Louis Smith

ADDRESS: 3030 Fourth Ave

BALTO, Md. 21234

PHONE NUMBER: 410-661-4682

Aj:gs
(Revised 3/29/93)

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March 29, 1993

Baltimore County Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue (Rm. 109)
Towson, MD 21204

To Whom It May Concern:

Enclosed please find:

- 1) three (3) copies of PETITION FOR ADMINISTRATIVE VARIANCE with original signatures and applicable information
- 2) twelve (12) copies of the PLAT to accompany Petition for Zoning Variance
- 3) three (3) copies of the Property Zoning Description
- 4) one (1) copy of the Official Zoning Map, 200 scale
- 5) one (1) check in the amount of \$35.00 dated 3/31/93, check # 3575 for Filing Fees.
- 6) Affidavit forms with original signatures and notarized statement that petitioners reside at the property
- 7) one (1) copy of the Aerial photo with property outlined
- 8) photographs of property showing existing conditions, immediately adjacent dwellings and area of proposed changes

We would like to take this opportunity to advise you that all adjoining property owners have been advised that we are petitioning for an administrative variance from the setback requirements of Section 307, for construction of an addition. The adjoining property owners, namely:

Mr. & Mrs. John Horn, 3028 Fourth Ave., Lot # 158

Mr. & Mrs. Darryl Robison, 3036 Fourth Ave. (there is no 3032 or 3034 Fourth Ave.), Lot # 160

Mr. & Mrs. Leonard Ford, 3027 Fifth Ave., Lot # 102

have no objection to and shall not oppose our petition.

Very Truly Yours,

Louis F. Smith

Robin A. Smith

Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 3030 Fourth Ave. Corner Md. 21234 see pages 1 & 2 of the CHECKLIST for additional required information

Subdivision name: Carney Heights

Plot book: 6, Jct. 158, Lot 102, 103, 104

OWNER: Louis Fred Smith

93-326-A

Leonard Ford 3027 Fifth Ave. Lot 102

John Horn 3028 Fourth Ave. Lot 158

Darryl Robison 3036 Fourth Ave. Lot 160

Fourth Ave

Lot 102

Lot 158

Lot 160

Lot 102

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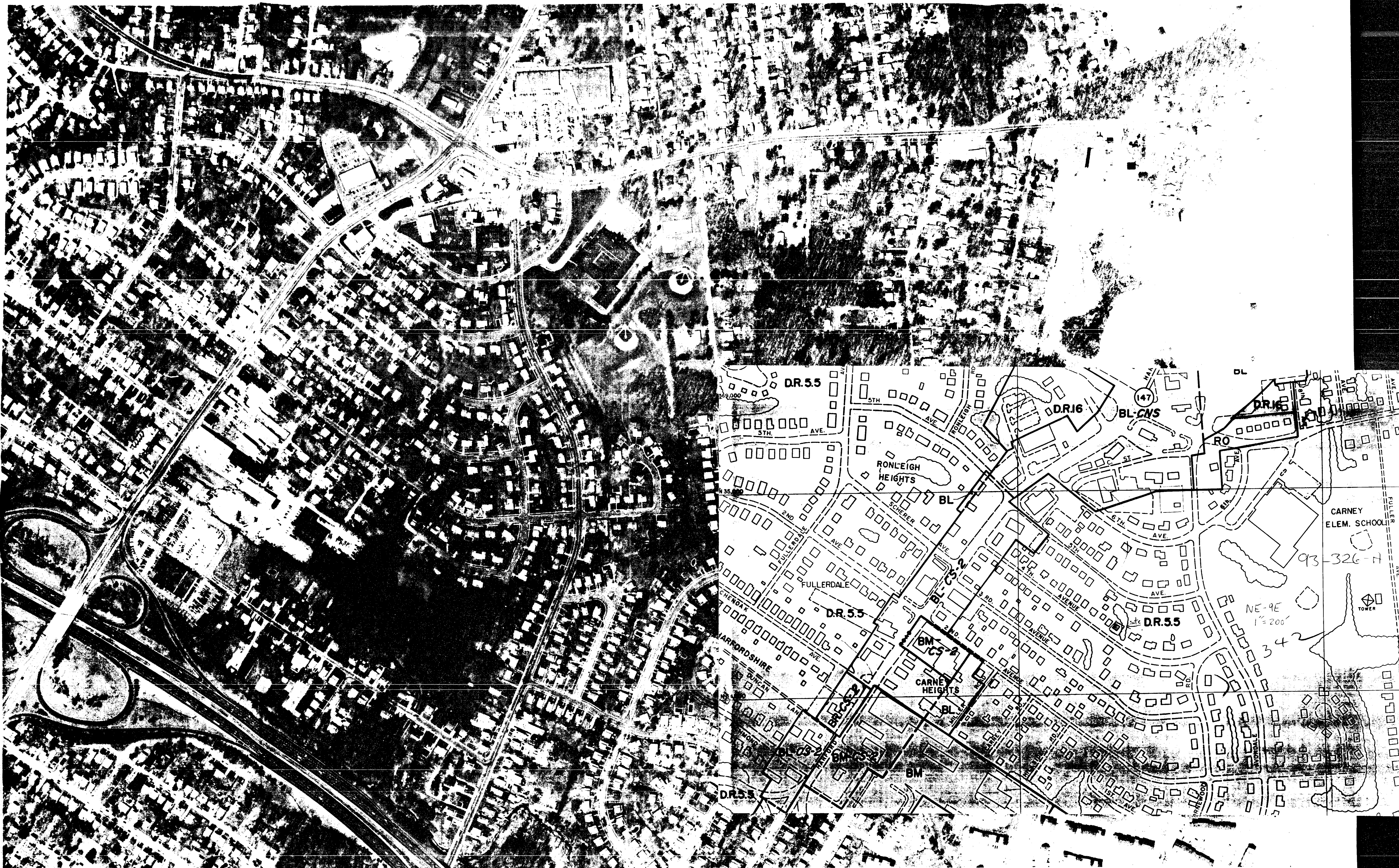
Lot 160

Lot 102

Lot 158

Lot 16

93-326-A



342

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	PARKVILLE	N.E.
DATE OF PHOTOGRAPHY JANUARY 1986		9-E